

84TH CONGRESS
1ST SESSION

H. R. 5614

IN THE HOUSE OF REPRESENTATIVES

APRIL 18, 1955

Mr. PRIEST (by request) introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce

A BILL

To amend the Communications Act of 1934 in regard to protests of grants of instruments of authorization without hearing.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That subsection (c) of section 309 of the Communications
4 Act of 1934, as amended, is amended to read as follows:
5 “(c) When any instrument of authorization is granted
6 by the Commission without a hearing as provided in sub-
7 section (a) hereof, such grant shall remain subject to protest
8 as hereinafter provided for a period of thirty days. During
9 such thirty-day period any party in interest may file a pro-
10 test under oath directed to such grant and request a hearing

1 on said application so granted. Any protest so filed shall
2 be served on the grantee, shall contain such allegations of
3 fact as will show the protestant to be a party in interest,
4 and shall specify with particularity the facts relied upon by
5 the protestant as showing that the grant was improperly
6 made or would otherwise not be in the public interest. The
7 Commission shall, within thirty days of the filing of the
8 protest, render a decision making findings as to the sufficiency
9 of the protest in meeting the above requirements; and, where
10 it so finds, shall designate the application for hearing upon
11 issues relating to all matters specified in the protest as
12 grounds for setting aside the grant, except with respect to
13 such matters as to which the Commission finds, for reasons
14 set forth in the decision, that, even if the facts alleged were
15 to be proven, no grounds for setting aside the grant are pre-
16 sented. The Commission may also specify in such decision
17 that the application be set for hearing upon such further
18 issues as it may prescribe, as well as whether it is adopting
19 as its own any of the issues resulting from the matters
20 specified in the protest. In any hearing subsequently held
21 upon such application issues specified by the Commission
22 upon its own initiative or adopted by it shall be tried in
23 the same manner provided in subsection (b). hereof, but
24 with respect to issues resulting from matters set forth in the
25 protest and not specifically adopted by the Commission, both

1 the burden of proceeding with the introduction of evidence
2 and the burden of proof shall be upon the protestant. The
3 hearing and determination of cases arising under this sub-
4 section shall be expedited by the Commission and pending
5 hearing and decision the effective date of the Commission's
6 action to which protest is made shall be postponed to the
7 effective date of the Commission's decision after hearing,
8 unless the authorization involved is necessary to the main-
9 tenance or conduct of an existing service, or unless the Com-
10 mission affirmatively finds for reasons set forth in the decision
11 that the public interest requires that the grant remain in
12 effect, in which event the Commission shall authorize the
13 applicant to utilize the facilities or authorization in question
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